

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

**LINDA J. BLOZIS,**

**Plaintiff,**

**V.**

**C.A. NO. 05-891 SLR**

**MELLON TRUST OF DELAWARE, NATIONAL ASSOCIATION**, a Pennsylvania corporation; **MELLON BANK, NATIONAL ASSOCIATION**, (formerly **MELLON BANK (DE) NATIONAL ASSOCIATION**), a Pennsylvania corporation; and **MELLON FINANCIAL CORPORATION**, a Pennsylvania corporation,

**Defendants.**

**PLAINTIFF'S ANSWERING BRIEF  
IN OPPOSITION TO DEFENDANTS' MOTION FOR SUMMARY JUDGMENT**

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### **NATURE AND STAGE OF THE PROCEEDINGS**

This is a case of retaliation, age and sex discrimination under the Age Discrimination in Employment Act (“ADEA”) and Title VII, in which Defendants’ Team Leader Brendan Gilmore retaliated against 57 year old Plaintiff Linda Blozis. He issued her a “final” performance warning just two weeks after she complained to Human Resources that, because of her age, he had cursed and yelled at her and claimed that her younger peers were capable of more work than her. After her May 1, 2003, age discrimination complaint, Gilmore issued the final warning on May 14th, and ultimately terminated her two months later on July 14<sup>th</sup>, allegedly for performance reasons despite the fact that she had received satisfactory evaluations for most of her thirteen year career and had no disciplinary action prior to the “final” warning.

Plaintiff filed this action on December 27, 2005. After discovery, the principal witnesses include:

1. Brendan Gilmore, Plaintiff’s Team Leader, who was responsible for Defendants’ entire Delaware Office and every team member but who took a more active role in managing Plaintiff in 2003. Becker at 15, 54, Landis at 74; B759, 808, 847;
2. Maria Dunlop, Plaintiff’s younger peer, who testified that Gilmore did not like Plaintiff and was harder on her than he was on Dunlop. Dunlop at 39, 76; B538, 575;
3. Rosemary Thomas, the Human Resources’ representative to whom Plaintiff complained of age discrimination by Gilmore. Thomas at 74; B654;
4. Bill Becker, a Portfolio Officer on Gilmore’s Team and Plaintiff’s direct supervisor from September of 1998 through 2002, who admittedly stressed her out with an increased workload but who never recommended that she be fired during his more than four years as her boss. Becker at 58, 104, Thomas at 14, 54; B594, 634, 851, 897; and
5. Gregg Landis, a Portfolio Officer and Plaintiff’s direct supervisor in 2003, who reported to Gilmore and delivered Gilmore’s Final Written Warning to Plaintiff but who was surprised when Defendants ultimately fired her. Thomas at 14, 54, Dunlop at 72-73, 75; B571-72, 574, 594, 634.

Defendants moved for summary judgment. This is Plaintiff’s Answering Brief and Appendix.